

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

DOUGLAS LATTA,

Plaintiff,

-against-

ANDREW CUOMO, Attorney General of the
State of New York,

Defendants.

-----X

NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Douglas Latta filed this pro se action on September 3, 2010. (See Complaint (Docket Entry # 1).) Plaintiff's request to proceed in forma pauperis under 28 U.S.C. § 1915(a) is granted. For the reasons discussed below, the court grants Plaintiff 30 days leave to file an amended complaint.

Federal Rule of Civil Procedure 8 requires a plaintiff to provide a short, plain statement of his or her claims sufficient to afford the defendants notice of those claims. See Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009) (Rule 8 "demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.") Where a plaintiff proceeds pro se, a court must construe the plaintiff's pleadings liberally and hold them to less stringent standards than pleadings drafted by lawyers. See Erickson v. Pardus, 551 U.S. 89, 94 (2007); Pabon v. Wright, 459 F.3d 241, 248 (2d Cir. 2006). Nonetheless, a district court must dismiss an in forma pauperis action if the complaint "fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii).

Here, Plaintiff offers no specific facts or allegations to support his claim that various New York Penal Law statutes are unconstitutional. He also does not allege any impact that these laws had on him personally. Nonetheless, because Plaintiff proceeds pro se, the court grants him 30

days leave to file an amended complaint that complies with Rule 8(a) of the Federal Rules of Civil Procedure. See Cruz v. Gomez, 202 F.3d 593, 597-98 (2d Cir. 2000). Should he elect to do so, Plaintiff is directed to name as defendants individuals who have personal involvement in the actions that form the basis of his complaint and, to the best of his ability, provide dates and locations for each relevant event. If Plaintiff does not know the names of certain individuals, he may identify them as John Doe or Jane Doe. Plaintiff is further directed to specify whether he has any pending state court criminal actions and, if so, the current status of those proceedings.

The amended complaint must be captioned as an "Amended Complaint," name all individual defendants in the caption, and bear the same docket number as this order. No summons shall issue at this time and all further proceedings shall be stayed for 30 days. If Plaintiff fails to amend his complaint within 30 days as directed by this order, the court shall dismiss the Complaint. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
September 24, 2010

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge